



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/555,321	11/03/2005	Hisashi Aoki	280527US6PCT	3930
22850	7590	09/18/2007		
OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, P.C. 1940 DUKE STREET ALEXANDRIA, VA 22314			EXAMINER DIAO, M BAYE	
			ART UNIT 2838	PAPER NUMBER
			NOTIFICATION DATE 09/18/2007	DELIVERY MODE ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

patentdocket@oblon.com
oblonpat@oblon.com
jgardner@oblon.com

Office Action Summary

Application No.

10/555,321

Applicant(s)

AOKI ET AL.

Examiner

M'baye Diao

Art Unit

2838

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 November 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 03 November 2005 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>11/03/2005; 11/22/2006</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Priority

1. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Information Disclosure Statement

2. The information disclosure statement (IDS) filed on 11/03/2005 and 11/22/2006 have been considered and placed of record. An initialed copy is attached herewith.

Specification

3. The disclosure is objected to because of the following informalities:
The word " the battery device is aligned with chamber and the inserted therein" should read -- the battery device is aligned with the chamber and inserted therein -- (page 1, lines 24-25).

Appropriate correction is required.

Drawings

4. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description (see pages 5-7): (64A), (64B), (6802), and (7892). Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement-drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New

Art Unit: 2838

Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. **Claims 1- 4 are rejected under 35 U.S.C. 102(b) as being anticipated by**

Tohya et al., (Tohya) US 4,636,703.

7. As per claim 1, Tohya et al. disclose (col. 1, ls. 40+; col. 2, ls. 3+ ;col. 3, ls. 55+; col. 4, ls. 1-57; col. 5, ls. 1-27) and show in Figs. 1A-B, 2-4, 8, and 12A-C:

A battery device that is a first (101,103) or a second battery ((102) or (104)) devices and housed in a single battery housing chamber (50) of an electronic device, characterized in that:

each of the first (101,103) and second battery device (102 or 104) comprises a case having (3) side surfaces located on both ends of a width direction (see Figures 2-3), an upper surface (top of casing (3)) and lower surface (bottom of casing (3)) located on both ends of a thickness (height of frame (1)) direction, and a front surface (33) (see Fig. 1B) and a rear surface (see Figs. 2-3) located on both ends of a length direction; a charging unit (not shown, see col. 5, ls. 1-20) disposed inside the case (3); and

a battery side terminal (34A, 34B, 35A, 35B, or 36A, 36B see Fig. 1B)) disposed on the front surface (33) of the case (3) and connected to the charging unit (not shown); wherein the case of the first battery device (101, 102) and the case of the second battery device (102 or 104) have a substantially same width and length (see col. 6, ls. 26-30) while the case of the second battery device (104) is formed with thickness larger (see Figs. 2 and 3) than the case of the first battery device (101); wherein the battery side terminal disposed on the first battery device (101, 103) and the battery side terminal disposed on the second battery device (102, 104) are located at a same position on the respective front surfaces with respect to the lower surfaces and the side surfaces (see Fig. 1A); wherein an engaging recessed part (16) is formed on the front surface of the case (3) of the second battery device (102 or 104); wherein a dimension from the lower surface of the case (3) of the second battery (102 or 104), device to a position close to the lower surface on a wall of the case (3) where the engaging recessed (16) part is formed (see Figs. 2-3) and a dimension from the lower surface to the upper surface of the case (3) of the first battery device (103) are arranged to be a same (since the height of ((104) and (103) are the same).

8. Accordingly, claim 1 is anticipated.

9. As per claim 2, Tohya discloses (col. 4, ls. 12+) and shows in Figs. 1A and 4 that the battery device according to claim 1, characterized in that:
a plurality of the engaging recessed parts (16, 23A-C) is formed in the width direction with a gap in between.

Accordingly, claim 2 is anticipated.

10. As per claim 3, Tohya discloses (col. 3, ls. 55+; col. 4, ls. 10-12) and shows in Fig. 1A that the battery device according to claim 1, characterized in that: each of the first (101 or 103) and second battery (102 or 104) device comprises a frame (1) and a film (resin) attached to portions of the frame excluding a front and back side portions of the frame (since the recesses are attached on the side of the case (3), impliedly they will exclude the front and back portions of the frame).

Accordingly, claim 3 is anticipated.

11. As per claim 4, Tohya discloses (col. 4, ls. 1-51) and shows in Fig. 1A that the battery device according to claim 3, characterized in that: the film (resin) is attached to the frame (1) so as to wrap around the entire circumference excluding the front and back side portions of the frame (since the recesses are attached on the side of the case (3), impliedly they will exclude the front and back portions of the frame); and the battery device further includes slant parts (15) disposed on side surfaces of the frame (1), which correspond to the side surfaces of the case (3) (as shown in Fig. 1A), each of the slant parts facing toward the front or back side of the frame (1), an amount of protrusion from the frame being increased starting from the middle position in the length direction of the frame (1) to the front or back side portion of the frame (1) (which corresponds to the plane coming out of the paper or going inside the paper respectively, see Fig. 1A), the slant part making continuous connection to the front and back side portion.

Art Unit: 2838

Accordingly, claim 4 is anticipated.

Conclusion

12. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The prior art cited in the PTO-892 and not mentioned above disclose related apparatus.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to M'baye Diao whose telephone number is 571-272-9748. The examiner can normally be reached on 8:30-5:00; First Friday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Karl Easthom can be reached on 571-272-1989. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

M'baye Diao
Examiner
Art Unit 2838

M.D


KARL EASTHOM
SUPERVISORY PATENT EXAMINER